

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
District of

Division

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2020 APR -9 AM 11:15
OFFICE OF THE CLERK

Case No.

8:20cv138
(to be filled in by the Clerk's Office)

Timothy J. Wiley

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

See attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Timothy J. Wiley
Street Address	1700 N. Victory Rd
City and County	Norfolk, Madison County
State and Zip Code	NE 68701
Telephone Number	402-370-4326
E-mail Address	N/A

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Westgate Bank - all- as a corporation
 Job or Title (if known) N/A
 Street Address 4955 O st. E
 City and County Lincoln Lancaster County
 State and Zip Code NE 68510
 Telephone Number 402-434-3452
 E-mail Address (if known)

Defendant No. 2

Name Kately
 Job or Title (if known) Branch Manager
 Street Address 4955 O st.
 City and County Lincoln, Lancaster County
 State and Zip Code NE 68510
 Telephone Number 402-434-3452
 E-mail Address (if known)

Defendant No. 3

Name Angie C
 Job or Title (if known) Dispute Specialist
 Street Address PO Box 183259
 City and County Columbus,
 State and Zip Code OH 43218-3259
 Telephone Number 614-202-5070
 E-mail Address (if known)

Defendant No. 4

Name Mike W.
 Job or Title (if known) ~~Dispute~~ Dispute Specialist
 Street Address PO Box 183259
 City and County Columbus
 State and Zip Code OH 43218-3259
 Telephone Number 614-202-5070
 E-mail Address (if known)

Defendant No. 5

Name
 Job or title
 St. Address ~~see~~ see attached
 City, state and zip code list of defendants

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

*See attached
statement/documents*

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

see attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*500,000 per defendants retaliation and no probable cause to make such transactions, refusal of such transactions.
(see attached letters)*

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

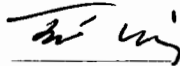
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3-30-20

Signature of Plaintiff

Printed Name of Plaintiff



Timothy J. Wilbey

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



3/16/2020

TIMOTHY J WILEY
1700 N VICTORY RD
NORFOLK, NE 68701

Subject: West Gate Bank card ending in **8353**
Case Number: **92788657**

Date	Amount	Merchant
02/07/2020	13.48 OF 131.26	Walmart.com

Dear **TIMOTHY J WILEY**,

We have completed our investigation regarding the disputed transaction(s) on your debit card. The merchant has issued a credit for the full amount of the transaction.

Since you received duplicate credits, one from the merchant and one from our Dispute Processing Center, we will debit your account on or after **03/26/2020** and will consider your dispute case closed.

You have the right to receive copies of the documents used to reach this resolution. If you would like to request this documentation, please contact us at the number listed below.

If you have any additional questions or concerns, please call the Cardholder Services Disputes Department, Monday-Friday from 8:00 a.m. - 8:00 p.m. Eastern Time at (844) 202-5070 or email us at card.services@fiserv.com.

Sincerely,

ANGIE G
Cardholder Services
PO Box 183259
Columbus, OH 43218-3259
Fax: 614-564-4588



WEST GATE BANK.

Our interest is you

3/4/2020

**TIMOTHY J WILEY
1700 N VICTORY RD
NORFOLK, NE 68701-6859**

Subject: West Gate Bank card ending in **8353**
Case Number: **92788657**

Date	Amount	Merchant
02/07/2020	13.48	Walmart.com

Dear **TIMOTHY J WILEY**,

We have completed our investigation regarding the disputed transaction(s) on your debit card. The merchant has issued a credit for the full amount of the transaction.

Since you received duplicate credits, one from the merchant and one from our Dispute Processing Center, we will debit your account on or after **03/16/2020** and will consider your dispute case closed.

You have the right to receive copies of the documents used to reach this resolution. If you would like to request this documentation, please contact us at the number listed below.

If you have any additional questions or concerns, please call the Cardholder Services Disputes Department, Monday-Friday from 8:00 a.m. - 8:00 p.m. Eastern Time at (844) 202-5070 or email us at card.services@fiserv.com.

Sincerely,

MIKE W
Cardholder Services
PO Box 183259
Columbus, OH 43218-3259
Fax: 614-564-4588



3/16/2020

TIMOTHY J WILEY
1700 N VICTORY RD
NORFOLK, NE 68701

Subject: Transaction dispute on West Gate Bank card ending in **8353**
Case Number: **92788657**

Date	Amount	Merchant
02/14/2020	45.34	Walmart.com

Dear **TIMOTHY J WILEY**,

Thank you for contacting the Dispute Processing Center and we appreciate the opportunity to be of service. Previously, you disputed the above transaction(s). Please fax, email, or mail the below requested information within seven (7) calendar days from the date of this letter:

- **Please provide a description of the exact amount in dispute for this transaction.**

If we do not receive your response within the requested timeframe, we will complete our investigation, and send you a final notification of the results. If the claim is not found in your favor, the provisional credit previously given (if applicable) may be debited from your deposit account.

If you have already submitted the requested information no further action is needed. If you need further assistance, please call Cardholder Services Disputes Department, Monday-Friday from 8:00 a.m. - 8:00 p.m. Eastern Time at (844) 202-5070 or email us at card.services@fiserv.com.

Thank you for your cooperation.

Sincerely,

ANGIE G
Cardholder Services
PO Box 183259
Columbus, OH 43218-3259
Fax: 614-564-4588



3/4/2020

TIMOTHY J WILEY
1700 N VICTORY RD
NORFOLK, NE 68701-6859

Subject: West Gate Bank card ending in **8353**
Case Number: **92788657**

Date	Amount	Merchant	Merchant Credit Amount
02/14/2020	45.34	Walmart.com	5.27

Dear **TIMOTHY J WILEY**,

As a valued cardholder, we appreciate the opportunity to investigate the above-referenced disputed transaction. We are pleased to inform you that the merchant has issued credit for a partial amount of the disputed transaction on **02/26/2020**. Please review the appropriately dated statement to verify the credit from this merchant.

Please contact us if you wish to dispute the 40.07 not covered by the merchant credit. Please note that this would be treated as a new investigation, and we will not begin the investigation without notification from you.

If you have any additional questions or concerns, please call the Cardholder Services Disputes Department, Monday-Friday from 8:00 a.m. - 8:00 p.m. Eastern Time at (844) 202-5070 or email us at card.services@fiserv.com.

You have the right to receive copies of the documents used to reach this resolution. If you would like to request this documentation, please contact us at the number listed below.

Sincerely,

MIKE W
Cardholder Services
PO Box 183259
Columbus, OH 43218-3259
Fax: 614-564-4588

1A = 131.26 debited

1B = 117.33 credited back

Difference 13.48

order 1 placed 2/7 refunded 2/8, 2/12, 2/12, 2/12, 2/18

order 2 placed 2/13 refunded 2/13, 2/13

order 3 placed 2/14 partial refund of 13.86 refunded 2/26

on order 1 a Disputed Transaction credit of 13.48 was credited to account, no credit for 13.48 from merchant was ever credited as claimed by west gate bank.

on order 3 a merchant credit for 5.27 is claimed by west gate Bank in the letter dated 3/4 and signed by mike W, no such credit exists in the statements for february or march

RECEIVED

APR 09 2020

CLERK
U.S. DISTRICT COURT

Statement

On or around 2-7-20, Fiserv.com, Westgate Bank's dispute center claimed Walmart.com refunded me for \$13.48 when actually only the dispute center refunded me. In between 2-7-20 and 3-16-20 currently I made several calls trying to fix this with Westgate Bank and their dispute center. On 3-26-20 they took out \$13.48 claiming that I had been duplicate credited between both walmart.com and westgate bank. I had a letter on the 16th of march (see attached) ~~threatening~~ threatening to take such amounts even though the dispute center claimed since it was such a low amount that they'll just refund me \$13.48. On the first letter of such claim, I made a statement over the phone since both parties work with each other (the bank & their dispute center) I'll give them a week to fix this otherwise I will report them to authorities. Note the store manager did not like such statement even though as you can see a month of hassle and harassment was getting too far out of hand, they retaliated and will close my account out of fear of being prosecuted on the 15th of April 2020. The other attached letters with \$45.34 they just refused to refund me all together.

~~Defendants~~

Westgate Bank - 4955 O st. Lincoln, NE 68510 - 402-434-3452
(Corporation)

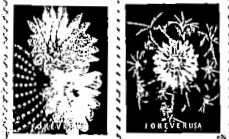
Katey Q 4955 O st. Lincoln, NE 68510 - 402-434-3452
(manager)

Angie G - PO Box 183259 Columbus, OH 43218-3259
(Card services) (employee)

Mike W - PO Box 183259 Columbus, OH 43218-3259
(Card services) (employee)

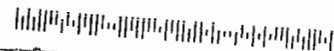
Fiserv.com - 844-202-5070
(Dispute center)

Timothy S. Wiley
Norfolk Region Center
1700 N. Victory Rd
Norfolk, NE 68702



United States District Court
Office of the Clerk
Roman C. Hruska U.S. Courthouse
111 South 18th Plaza, Suite 1152
Omaha, NE 68102

RECEIVED
APR 09 2020
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Legal Mail